

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

October 23, 2009

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.: 08MD-097

MAUI

Cancellation of Revocable Permit No. S-6602 to Misha Bowman, Sam Butterfly and Charlie Butterfly, and Issuance of a Revocable Permit to Samadhi Butterfly for Agriculture Purposes at Kipahulu, Hana, Maui, Tax Map Key: (2) 1-6-009:017.

APPLICANT:

Samadhi Butterfly (also known as Sam Butterfly), a single person, Tenant in Severalty.

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kapuaikini, Kipahulu, Hana, Maui, identified by Tax Map Key: (2) 1-6-009:017 and the attached map labeled Exhibit A.

AREA:

1.253 acres, more or less.

ZONING:

State Land Use District:     Agriculture  
County of Maui CZO:         Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act  
DHHL 30% entitlement lands pursuant to the Hawaii State  
Constitution:   YES        NO   x

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-6602, Misha Bowman, Sam Butterfly, and Charlie Butterfly (deceased), Permittees, for general agriculture purposes.

CHARACTER OF USE:

Agriculture purposes.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

To be determined by staff appraiser, subject to review and approval by the Chairperson.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing."

DCCA VERIFICATION:

Applicant is not operating a business and, as such is not required to register with DCCA.

REMARKS:

From February 1, 1981 through April 30, 1988, the subject State-owned parcel was encumbered under the auspices of Revocable Permit No. S-5824 to Mahina Aina, Limited for agricultural purposes (diversified farming). Revocable Permit No. S-5824 was cancelled effective April 30, 1988 because the principals sold their ownership interest in the abutting Parcel 018 of Tax Map (2) 1-6-009 to Dennis

and Misha Bowman.

Mr. and Mrs. Bowman, the new private property owners of the abutting Parcel 018 requested the issuance of a new permit covering the same area, for the same purpose. At its meeting of October 14, 1988, under agenda Item F-1-I, the Board approved the issuance of a revocable permit to Dennis and Misha Bowman for general agriculture purposes retroactive to May 1, 1988.

Before the permit document could be executed, the Bowmans were divorced and Misha's attorney advised Land Management that the ownership of the Bowman's property was ultimately vested with Mrs. Bowman (two-thirds interest) and the remaining to Mrs. Sam Butterfly and Mr. Charlie Butterfly (one-third interest). As part of the divorce settlement, Dennis Bowman relinquished all of his interest in the abutting parcel 018.

At its meeting of January 13, 1989, under agenda Item F-1-g, the Board (1) rescinded its October 14, 1988 approval and (2) authorized the issuance of a revocable permit to Misha Bowman, Sam Butterfly and Charlie Butterfly with the same effective date of May 1 1988.

Staff is in receipt of a written request from Ms. Misha Bowman and Ms. Samadhi Butterfly, to cancel Revocable Permit S-6602. Ms. Bowman no longer lives in the Kipahulu area and does not have any interest in the abutting parcel 018. Furthermore, a Death Certificate was also provided which indicates Mr. Charlie Butterfly passed away on January 22, 2002.

Ms. Samadhi Butterfly has requested to care for and maintain the subject parcel for the same agriculture purposes as she and her now deceased husband had done so for the past twenty years. Ms. Butterfly would like to assume full responsibility and the continued use of the subject parcel for the cultivation of bananas, coconuts and miscellaneous fruit trees. Furthermore, Ms. Butterfly is the private property owner of the abutting parcel 023 and has direct access to the subject state property.

The proposed use is allowable in the county zoning for the subject area and have not changed from its previous use over the past twenty years.

Ms. Samadhi Butterfly has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

There have been no other applications submitted or interest from the


public with regards to the use of the subject parcel.

Due to the size and location of the subject parcel, a month-to-month tenancy is the most appropriate disposition at this time.

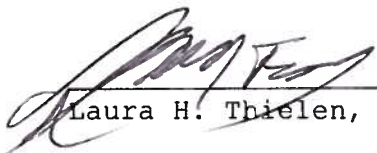
RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the cancellation of Revocable Permit No. S-6602 to Misha Bowman, Sam Butterfly and Charlie Butterfly.
3. Authorize the issuance of a revocable permit to Samadhi Butterfly covering the subject area for agriculture purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
  - b. Review and approval by the Department of the Attorney General; and
  - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
Larry Pacheco  
Land Agent

APPROVED FOR SUBMITTAL:

  
Laura H. Thielen, Chairperson 